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11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF WASHINGTON

13 GREGORY R. BUTCHER and)
14 SHARON L. BRYANT-BUTCHER,) No.
husband and wife,)

15)
16 Plaintiffs,)
17)

17 vs.)
18)

18 STEPHEN H. WARD and MARIA)
19 WARD, husband and wife, and)
20 OVERLAND WEST, INC.)

21 Defendants.)
22)

NOTICE OF REMOVAL

23 Defendants Stephen H. Ward and Maria Ward, by and through their
24 attorneys, Scott C. Cifrese and Paul S. Stewart of Paine Hamblen LLP, hereby
25 gives notice of removal, pursuant to 28 U.S.C. § 1446, of the above-entitled
26

27 NOTICE OF REMOVAL - PAGE 1

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1 action from the Spokane County Superior Court to the United States District
2 Court for the Eastern District of Washington.

3
4 1. The above-entitled action was filed on March 1, 2021, in Spokane
5 County Superior Court, under Cause No. 21-2-00541-32. Attached as Exhibit 1
6 is a true and correct copy of all the pleadings filed to date in the Spokane County
7 action. The Complaint alleges personal injury arising from a motor vehicle
8 accident that occurred between Plaintiffs Butcher and Defendants Ward on
9 March 2, 2018.
10

11
12 2. On May 27, 2021, Defendant Overland West, Inc. was served with
13 the Summons and Complaint. *See* Ex. 1 at 11. Upon information and belief,
14 Overland West, a rental car company from which the Wards rented their vehicle
15 allegedly involved in this accident, is immune from this action, and should not
16 have been named as a defendant. 49 U.S.C. § 30106.
17

18
19 3. On January 15, 2022, some seven months after serving Overland
20 West, and nearly four years after the motor vehicle accident, the Wards were
21 served with the Summons and Complaint. *See* Ex. 1 at 37.
22

23 4. This is a civil action of which this Court has original jurisdiction
24 pursuant to 28 U.S.C. § 1332 (diversity jurisdiction) and is one which may be
25 removed to this Court by the Wards pursuant to the provisions of 28 U.S.C. §
26

1 1441(c). The parties in this case are completely diverse, i.e., each of the
2 plaintiffs are citizens of a different state than each of the defendants. *Morris v.*
3 *Princess Cruises, Inc.*, 236 F.3d 1061, 1067 (9th Cir. 2001) (citing *Caterpillar*
4 *Inc. v. Lewis*, 519 U.S. 61, 68, 117 S. Ct. 467, 136 L.Ed.2d 437 (1996)).

6 5. Plaintiffs are citizens of the State of Washington. *See* Ex. 1 at 4.

8 6. Overland West, Inc. is incorporated in the State of Utah and its
9 principal place of business, the place where Overland West's officers direct,
10 control, and coordinate the corporation's activities, i.e., Overland West's "nerve
11 center," *Hertz Corp. v. Friend*, 559 U.S. 77, 92–93, 130 S. Ct. 1181, 1192, 175
12 L. Ed. 2d 1029 (2010), is located in Ogden, Utah. Thus, Overland West, Inc. is
13 a citizen of Utah. 28 U.S.C. § 1332(c).

16 7. The Wards maintain their true, fixed, and permanent home in
17 Meriden, Connecticut. Thus, the Wards are citizens of Connecticut. *See* Ex. 1 at
18 4.

20 8. The Complaint does not state a specific dollar amount for money
21 damages sought. Prior to removal, undersigned counsel inquired with Plaintiff's
22 counsel regarding Plaintiffs' alleged damages. Plaintiff's counsel would not
23 concede that the amount in controversy is less than \$75,000; accordingly, on
24 information and belief, the amount in controversy exceeds \$75,000.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of February, 2022, I caused to be served the foregoing **NOTICE OF REMOVAL** by the method indicated below and addressed to the following:

<input type="checkbox"/>	VIA CM/ECF SYSTEM	John Bardelli
<input checked="" type="checkbox"/>	VIA U.S. MAIL (Postage Prepaid)	N 606 Pines Rd., Suite 201
<input type="checkbox"/>	VIA OVERNIGHT MAIL	Spokane, WA 99216
<input checked="" type="checkbox"/>	VIA EMAIL	jabardelli@aol.com
<input type="checkbox"/>	VIA CM/ECF SYSTEM	David B. Jensen
<input checked="" type="checkbox"/>	VIA U.S. MAIL (Postage Prepaid)	1299 Zurich Way, Suite 460
<input type="checkbox"/>	VIA OVERNIGHT MAIL	Schaumburg, IL 60196
<input checked="" type="checkbox"/>	VIA EMAIL	David.b.jensen@zurichna.com

/s/ Paul S. Stewart
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